IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3536 of 2005

Between:

1. M.Manik Rao, S/o. Narayan Rao, aged 55 years, Occ:Business, R/o.H.No.6-1-104&105.

2. P.Ravi Narayan S/o. Devaiah, aged 58 years, Occ: Retd.Employee, R/o.H.No.6-1-104/1 & 105/1, (Both Padmaraonagar, Secunderabad)

... PETITIONERS

AND

1. The Commissioner, Municipal Corporation of Hyderabad, At: Hyderabad.

2. The Additional Commissioner, Municipal Corporation of Hyderabad, Secunderabad Division, Secunderabad.

3. Narendra Chungi, S/o.Late Narayan Rao Chungi, aged about 50 years, Occ: Govt.Service, R/o.H.No.6-1-104, Padmaraonagar, Secunderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents 1 and 2 in not taking any action on the representation made by the petitioners on 22-1-2005 and 5-2-2005 as illegal, arbitrary and violative of provisions of M.C.H. Act and consequently direct the respondents 1 and 2 to take immediate action by removing the encroachment made by the respondent No.3 on the 30 feet approach road which is approved by the M.C.H. on the northern side and towards western side of the petitioners property house bearing No.6-1-104 & 105 and 6-1-104/1 and 6-1-105/1, situate at

Padmaraonagar, Secunderabad.

Counsel for the Petitioner: MR.SRINIVASA MURTHY CHEEDELLA

Counsel for the Respondents 1 & 2: SMT.G.JYOTHI KIRAN

The Court at the stage of admission made the following:

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ORDER:

This writ petition is filed aggrieved by the alleged inaction on the part of the respondents 1 and 2 in taking necessary action on the basis of the representations made by the petitioners dated
22-01-2005 and 05-02-2005 complaining that the third respondent has encroached upon the Road situated towards Western side of the petitioner's house property bearing No.6-1-104 & 105 and 6-1-104/1 and 6-1-105/1 at Padmaraonagar, Secunderabad, and making constructions contrary to the layout rules and provisions of the Municipal Corporation Act.

Since the representations made by the petitioners dated
22-01-2005 and 05-02-2005 are pending with the respondents
1 and 2, without expressing any opinion with regard to the correctness of the allegations made by the petitioners, the writ petition is disposed of with a direction to the respondents 1 and 2 to consider the representations dated 22-01-2005 and 05-02-2005 and pass appropriate orders, in accordance with law, after affording due opportunity to the third respondent to rebut the allegations made by the petitioners, as expeditiously as possible, preferably within a period of two weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly, disposed of. No order as to costs.

G. ROHINI, J

Dated: 25-02-2005

LSK

ASSISTANT REGISTRAR

To

1. The Commissioner, Municipal Corporation of Hyderabad, At: Hyderabad.

2. The Additional Commissioner, Municipal Corporation of Hyderabad, Secunderabad Division, Secunderabad.

3. Two C.D copies.